


Miles Julison
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Clackamas, OR 97025
(971) 404-9361 (cell)

US BANKRUPTCY COURT
DISTRICT OF OREGON

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF OREGON

In re:

Case No.: 17-32418-dwh 13

Miles Julison,

Debtor.

DEBTOR'S RESPONSE TO [41] MOTION TO DISMISS

Debtor responds to [41] MOTION TO DISMISS ("Motion").

The Motion states:

ODR is a creditor in this case. Debtor owes \$94,661.63 for 2007 personal income tax, at least some of which is secured by virtue of a warrant recorded on January 25, 2010.

However, that alleged debt is based on tax returns (a 1040 form and an OR-40) filed by Debtor some years ago; those tax returns were mistaken, as shown by the outcome of trial, case 3:11-cr-00378 in the USDC, District of Oregon. Debtor is currently working with a CPA, David Bilby, to amend those tax returns, pursuant to ORS 71.1030. (The CPA and enrolled agent who prepared the original tax returns, Teresa Marty, has been indicted for approx. 64 counts of preparing false tax returns and has pled guilty on one count of Conspiracy to Commit False Claims Against the United States and one count of Conspiracy to Defraud the United States. See [201] of USDC, Eastern District of California case 2:13-cr-00217.) It has been difficult to find an attorney who specializes in both bankruptcy law and tax law.

The Motion states: "Item two, for instance, references an attached declaration ... No declaration is attached." However, this appears to be the result of some kind of error, as Debtor recalls preparing the Response with the Declaration. The Declaration from the letter to the Trustee is attached as Exhibit A.

The Motion states: "Item four references profit and loss statements which are "attached to accompanying letter," none of which has been filed with the court; these may have been provided to the trustee..." However, the profit and loss statement from the letter to the Trustee is attached as Exhibit B.

The Motion states: "... one notes that debtor swears that he owns no household goods, no clothing, no electronics (no cell phone?), no jewelry, ... homestead exemption of more than \$160,375, and that he acquired his homestead within 1,215 days before filing the bankruptcy." However, there were inadvertent errors; amended schedules are being prepared and will be filed.

The Motion states: "Debtor was told [but without a court order] to add the IRS and ODR to his schedules.... Instead, he argued with the trustee in his 17 response..." However, the purpose of a response, in cases of dispute, is to argue; this is perfectly proper. It is the province of the court, not the trustee, to issue binding orders. ODR and IRS have been added to the Certificate of Service and will be added to the Creditor's Mailing list.

The Motion states: "... he has not amended Schedule I with the information about his income from his new job." However, the October pay stub (from Benjamin Ficker PC, 136 NE 28th Avenue, Portland OR 97232, covering the period 10/1/17 to 10/31/17) is now available and shows Net Pay of \$1,522.71. The Schedule I will be amended.

The Motion states: "...the median income for a family of four, yet schedule J indicates that he has no dependents." Here, Schedule J is in error, as Debtor has a wife and two dependent children. This is being amended and will be filed.

The Motion states: "Debtor was instructed [but not ordered by the court], item number six, that the amended plan should include an appropriate percentage for unsecured creditors in ¶2(f)(1)..." However, again, there was no court order, and it is the province of the court, not the trustee, to issue binding orders. . Debtor is attempting to amend the Chapter 13 plan to include appropriate percentages to unsecured creditors and will be filing it with the court shortly.

The Motion refers to five "facts...still misrepresented." All five of these points are covered above, with the exception of: "5. There is no disclosure of the U.S. Bank foreclosure in the amended statement of financial affairs." However, that statement (Part 4 of Form 107, Statement of Financial Affairs for Individual Filing for Bankruptcy) asks: "Within 1 year before you filed for bankruptcy, were you a party to any lawsuit, court action, or administrative proceeding?" There was (and is) no lawsuit, no court action, and no administrative proceeding, therefore Debtor correctly answered: No.

The Motion states: "This is debtor's fifth bankruptcy filing since March 30, 2010." However, those bankruptcy cases were filed and prosecuted by Debtor following bad advice. Debtor is now attempting to "clean up the mess" and unwind this bad advice. There is proven difficulty because of how complicated some of the issues are and because of the amount of fees demanded by attorneys. Debtor is desperately seeking attorney assistance.

The Motion states: "U.S. Bank had served debtor with notice of trustee's sale."

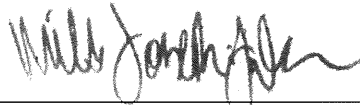
However, this point is covered above.

The Motion states: "The sheer number of failures enumerated herein is egregious." However, such an argument confuses a quantity with a quality. Debtor is filing pro se, is unable (so far) to find a suitable attorney who can and will take his case, and can be expected to make mistakes.

The motion filer is mistaken that Debtor has no intention of completing a Chapter 13. I, Miles Julison, am making every effort and very much anticipates being able to prepare a Plan which will be confirmed on the December 21st, 2017 Confirmation Hearing.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Respectfully submitted,



Dated: November 20, 2017

Miles Julison, Debtor

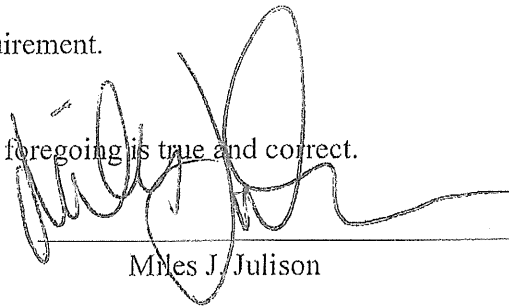
EXHIBIT A

DECLARATION OF MILES J. JULISON
RE: TAX RETURNS

I am not required by law to file Federal or State income tax returns for the years 2012, 2013, 2014 or 2015 for the reason that in those years I did not have or receive income sufficient to trigger the filing requirement.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 27, 2017



Miles J. Julison

EXHIBIT B

SCHEDULE C
(Form 1040)

Department of the Treasury
Internal Revenue Service (99)

Profit or Loss From Business

(Sole Proprietorship)

► Information about Schedule C and its separate instructions is at www.irs.gov/schedulec.
► Attach to Form 1040, 1040NR, or 1041; partnerships generally must file Form 1065.

OMB No. 1545-0074

2016

Attachment
Sequence No. **09**

Name of proprietor KATIE L JULISON		Social security number (SSN) XXX-XX-XXXX
A Principal business or profession, including product or service (see instructions) UPHOLSTERY REPAIR		B Enter code from Instructions ► 811490
C Business name. If no separate business name, leave blank. REPAIR THE CHAIR		D Employer ID number (EIN), (see instr.) 81-5193200
E Business address (including suite or room no.) ► 12042 SE SUNNYSIDE ROAD STE 5 City, town or post office, state, and ZIP code CLACKAMAS, OR 97015		
F Accounting method: (1) <input checked="" type="checkbox"/> Cash (2) <input type="checkbox"/> Accrual (3) <input type="checkbox"/> Other (specify) ►		
G Did you "materially participate" in the operation of this business during 2016? If "No," see instructions for limit on losses		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
H If you started or acquired this business during 2016, check here		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
I Did you make any payments in 2016 that would require you to file Form(s) 1099? (see instructions)		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
J If "Yes," did you or will you file required Forms 1099?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Part I Income

1 Gross receipts or sales. See instructions for line 1 and check the box if this income was reported to you on Form W-2 and the "Statutory employee" box on that form was checked	1	37,492
2 Returns and allowances	2	0
3 Subtract line 2 from line 1	3	37,492
4 Cost of goods sold (from line 42)	4	10,014
5 Gross profit. Subtract line 4 from line 3	5	27,478
6 Other income, including federal and state gasoline or fuel tax credit or refund (see instructions)	6	
7 Gross income. Add lines 5 and 6	7	27,478

Part II Expenses. Enter expenses for business use of your home **only** on line 30.

8 Advertising	8	154	18 Office expense (see instructions)	18	327
9 Car and truck expenses (see instructions)	9	8,001	19 Pension and profit-sharing plans	19	
10 Commissions and fees	10		20 Rent or lease (see instructions):		
11 Contract labor (see instructions)	11		a Vehicles, machinery, and equipment	20a	
12 Depletion	12		b Other business property	20b	
13 Depreciation and section 179 expense deduction (not included in Part III) (see instructions)	13		21 Repairs and maintenance	21	
14 Employee benefit programs (other than on line 19)	14		22 Supplies (not included in Part III)	22	
15 Insurance (other than health)	15	708	23 Taxes and licenses	23	599
16 Interest:			24 Travel, meals, and entertainment:		
a Mortgage (paid to banks, etc.)	16a		a Travel	24a	287
b Other	16b		b Deductible meals and entertainment (see instructions)	24b	249
17 Legal and professional services	17	1,069	25 Utilities	25	
28 Total expenses before expenses for business use of home. Add lines 8 through 27a	28	14,108	26 Wages (less employment credits)	26	
29 Tentative profit or (loss). Subtract line 28 from line 7	29	13,370	27a Other expenses (from line 48)	27a	2,714
30 Expenses for business use of your home. Do not report these expenses elsewhere. Attach Form 8829 unless using the simplified method (see instructions). Simplified method filers only: enter the total square footage of: (a) your home: _____ and (b) the part of your home used for business: _____. Use the Simplified Method Worksheet in the instructions to figure the amount to enter on line 30	30		b Reserved for future use	27b	
31 Net profit or (loss). Subtract line 30 from line 29. • If a profit, enter on both Form 1040, line 12 (or Form 1040NR, line 13) and on Schedule SE, line 2. (If you checked the box on line 1, see instructions). Estates and trusts, enter on Form 1041, line 3. • If a loss, you must go to line 32.	31	13,370			
32 If you have a loss, check the box that describes your investment in this activity (see instructions). • If you checked 32a, enter the loss on both Form 1040, line 12, (or Form 1040NR, line 13) and on Schedule SE, line 2. (If you checked the box on line 1, see the line 31 instructions). Estates and trusts, enter on Form 1041, line 3. • If you checked 32b, you must attach Form 6198. Your loss may be limited.			32a <input type="checkbox"/> All investment is at risk.		
			32b <input type="checkbox"/> Some investment is not at risk.		

For Paperwork Reduction Act Notice, see the separate instructions.

Schedule C (Form 1040) 2016

EEA

Name(s)

KATIE L JULISON

SSN

XXX-XX-XXXX

Part III Cost of Goods Sold (see instructions)

33	Method(s) used to value closing inventory: a <input checked="" type="checkbox"/> Cost b <input type="checkbox"/> Lower of cost or market c <input type="checkbox"/> Other (attach explanation)	
34	Was there any change in determining quantities, costs, or valuations between opening and closing inventory? If "Yes," attach explanation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
35	Inventory at beginning of year. If different from last year's closing inventory, attach explanation	35 0
36	Purchases less cost of items withdrawn for personal use	36
37	Cost of labor. Do not include any amounts paid to yourself	37 2,897
38	Materials and supplies	38 7,117
39	Other costs	39
40	Add lines 35 through 39	40 10,014
41	Inventory at end of year	41 0
42	Cost of goods sold. Subtract line 41 from line 40. Enter the result here and on line 4	42 10,014

Part IV Information on Your Vehicle. Complete this part **only** if you are claiming car or truck expenses on line 9 and are not required to file Form 4562 for this business. See the instructions for line 13 to find out if you must file Form 4562.

43	When did you place your vehicle in service for business purposes? (month, day, year)	01-01-2015
44	Of the total number of miles you drove your vehicle during 2016, enter the number of miles you used your vehicle for:	
a	Business	14,789
b	Commuting (see instructions)	
c	Other	7,854
45	Was your vehicle available for personal use during off-duty hours?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
46	Do you (or your spouse) have another vehicle available for personal use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
47 a	Do you have evidence to support your deduction?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b	If "Yes," is the evidence written?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Part V Other Expenses. List below business expenses not included on lines 8-26 or line 30.

BANK FEES	191
COMMUNICATIONS	1,871
DUES AND SUBSCRIPTIONS	549
WORK CLOTHES	11
POSTAGE	48
MERCHANT FEE	44
48 Total other expenses. Enter here and on line 27a	48 2,714

CERTIFICATE OF SERVICE

The undersigned hereby certifies that upon the date last written below I served a true copy of the foregoing upon the following parties by U.S. first class mail:

US Trustee
620 SW Main St #213
Portland, OR 97205

Chapter 13 Trustee
Wayne Godare
222 SW Columbia St #1700
Portland, OR 97201

Bank of America NA
c/o Franca Audu
16001 N Dallas Pkwy
Addison TX 75001

Oregon Dept of Revenue
c/o Carolyn G Wade
955 Center St NE
Salem OR 97301-2555

PNC Bank National Association
sbm to National City Bank
sbm to National City Bank of Indiana
222 Delaware Avenue
Wilmington De 19899

PRA Receivables Management LLC
PO Box 41021
Norfolk VA 23541

PYOD LLC ISAOA as assignee
of Citibank (S Dakota) NA
Resurgent Capital Services
55 Beattie Place Suite 110 Ms501
Greenville SC 29601

Quality Loan Service Corp of Washington
c/o John Thomas
McCarthy Holthus LLP
920 SW 3rd Ave 1st Floor
Portland OR 97204

Shellpoint Mortgage Servicing
c/o John Thomas
McCarthy Holthus LLP
920 SW 3rd Ave 1st Floor
Portland OR 97204

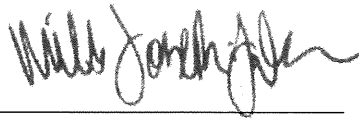
US Bank NA
c/o Michael Scott
McCarthy Holthus LLP
920 SW 3rd Ave 1st Floor
Portland OR 97204

Bank of New York Mellon NA
c/o Michael Scott
McCarthy Holthus LLP
920 SW 3rd Ave 1st Floor
Portland OR 97204

Internal Revenue Service
Centralized Insolvency Operation
P O Box 7346
Philadelphia PA 19101-7346

Dept of Justice
c/o US Attorneys Office GJB
1000 SW Third Avenue Suite 600
Portland OR 97204-2902

DATED: November 20, 2017

A handwritten signature in dark ink, appearing to read "Miles Julison", written over a horizontal line.

Miles Julison